

United States District Court  
 Eastern District of California  
 Before the Honorable WILLIAM B. SHUBB, JUDGE

**CIVIL MINUTES - EVIDENTIARY HEARING**

MARTIN J. WALSH,	Case No.: <u>2:22cv756 WBS</u>
Plaintiff,	Date: <u>7/7/2022</u>
vs.	Courtroom Deputy: <u>Karen Kirksey Smith</u>
CHE GARIBALDI, et al.,	Court Reporter: <u>Thresha Spencer</u>
Defendants.	Time in Court: <u>2:54</u>

**Appearance(s) for Plaintiff(s):**

Jennifer Sta.Ana

**Appearance(s) for Defendant(s):**

Alden Parker  
Marco Rodriguez

**Proceedings:** Evidentiary Hearing Re Plaintiff's Motion for Temporary Restraining Order

10:00 a.m. 10:25 a.m. 10:44 a.m. 11:43 a.m. 1:00 p.m. 1:11 p.m. 1:28 p.m. 1:35 p.m. 2:03 p.m. 2:09 p.m.  2:31 p.m. 2:45 p.m.	Hearing commences. Court confers with counsel and counsel argue. Witness <b>Raquel Alfaro</b> called and sworn to testify by Plaintiff. Witness on cross-examination by Defendants. Court recessed. Hearing resumes. Witness on re-direct by Plaintiff Witness on re-cross by Defendants. Witness excused. Counsel argue. Court recessed. Hearing resumes. Court confers with counsel re text messages submitted by Plaintiff. Court states <b>FINDINGS</b> on the record: The Court <b>FINDS</b> from the evidence submitted in the testimony presented at the hearing that the Secretary has not shown a probability of success on the merits or that injunctive relief is necessary to preserve the status quo between now and the date when a motion for preliminary injunction can be heard. Accordingly, plaintiff's Application for TRO (Docket No. 8) is <b>DENIED</b> . The Court <b>ORDERS</b> supplemental briefing to be submitted. Court recessed. Hearing resumes. Parties agree on a briefing schedule as follows (submitted on behalf of the parties by defendants' counsel): Plaintiff's Motion for Preliminary Injunction and supporting documents and redacted investigation file (with the exception of the identification of witnesses who will testify live at the hearing and summary of their testimony), as well as a redacted copy of the investigation file is due by <b>July 21, 2022</b> ; 2) Both sides shall disclose a list of witnesses who will be called to testify live at the hearing together with a brief summary of the nature of their testimony no later than <b>August 4, 2022</b> ; 3) Defendants' responsive brief in opposition to
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the motion for preliminary injunction is due no later than **August 11, 2022** (together with any supporting papers); 4) Hearing is set for **August 18, 2022** at 9:00 am. The parties agree that the Court can consider redacted declarations of those witnesses who may not testify live at the motion hearing. (Counsel shall refer to the transcript of these proceedings for a more detailed outline of the agreed-upon briefing schedule.)

2:53 p.m.

Court Adjourned. Hearing on the Preliminary Injunction is set for **August 18, 2022 at 9:00 a.m.**

**\*Other:**

The parties are hereby notified that the Scheduling Conference now set for August 29, 2022 is reset for October 24, 2022 at 1:30 PM. A joint status report shall be filed no later than October 11, 2022.